

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-405-C - ORDER NO. 2001-1143

DECEMBER 21, 2001

IN RE: Setera, Inc.,)	ORDER DISMISSING	
	Complainant)	COMPLAINT AND
)	GRANTING
vs.)	COUNTERCLAIM
)	
NuVox Communications, Inc.,)		
	Respondent)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the complaint of Setera, Inc. (Setera) against NuVox Communications, Inc. (NuVox). Because of the reasoning stated below, we are dismissing the Complaint, but granting the NuVox counterclaim.

Setera originally filed a Complaint against NuVox stating that it was paying for six T-1 lines, but only receiving the benefit of two such lines. Also, Setera claimed that it was being billed at a rate higher than that agreed upon by the two parties. NuVox filed a response to the complaint, stating that it has worked with Setera on each complaint raised by it, that NuVox has provided Setera with over \$30,000 in equipment and an additional \$50,000 in telecommunications services between April and August 22, 2001. Further, NuVox provided termination of service notices to Setera, and only then, according to NuVox, did Setera file its complaint with the Commission. This Commission granted a formal hearing on the matter.

Subsequently, Setera attempted to withdraw its request for a hearing. NuVox responded, stating that the Commission should rule on its counterclaim. NuVox subsequently filed testimony supporting that counterclaim. Setera never prefled any testimony or exhibits in this matter, although it had the opportunity to do so. Setera has never paid NuVox for its services, and had not disputed any of NuVox's charges prior to filing its complaint.

After examination of this matter, we hereby dismiss the complaint, rule in favor of NuVox on the counterclaim, and find, pursuant to the filed testimony, that NuVox provisioned equipment and services to Setera in an efficient and timely manner, consistent with the agreement of the parties, NuVox's approved tariff on file with the Commission, and the service standards set out in the Rules and Regulations of the Commission. We further find that NuVox properly employed and maintained the facilities and equipment necessary to provide service to Setera, as required by S.C. Code Ann. 58-9-260, and provided Setera with reasonably adequate and efficient telephone service, per the requirements set out in Commission Regulation 103-660. In addition, we hold that NuVox provided Setera service set out in a manner consistent with the terms and conditions set out in NuVox's Commission-approved tariff, and identified and cleared trouble reports in compliance with Commission Rule 103-653, and responded to any interruptions of service as required by Commission Regulation 103-661. We also find that NuVox provided Setera with a bill each month, and that each monthly bill contained a detailed summary of each charge associated with the services and equipment

provided by NuVox to Setera. Finally, we hold that, at all times, NuVox's billing to Setera has been in compliance with Commission Regulation 103-622.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)